



STATE OF UTAH

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL

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Meeting Notes

USAAV Criminal Justice Committee

DATE: March 19, 2003

TIME: 1:30 pm to 3:00 pm

DEA Offices

348 East South Temple, Salt Lake City

Present: Susan Burke, Hunter Finch, Barry Jamison, Sheriff Leon Jensen, Chief Paul Tittensor, Kirk Torgensen

Guests: Rep. David Litvack, Kevin Okleberry, Marjean Searcy, Tracy Tabet

I. Welcome & Chair's Report

Kirk Torgensen

Kirk stated that he would continue to take the lead on correcting the problems created by Initiative B through another forfeiture bill in 2004.

II. Meth Labs Clean Up and Disclosure Study

Rep. Litvack

Kevin Okleberry & Marjean Searcy

The contamination of homes by meth labs and the ensuing clean up problems were discussed. Two legislative bills addressing disclosure were sponsored this session, but neither passed. Rep. Litvack reported on the impact contaminated homes have on families. Kevin and Marjean both discussed the problems associated with clean up standards, training and funding.

Salt Lake Valley Health Department instituted clean up standards in August 2001 when the legislature failed to pass a bill. The standards are based on Washington state's standards. Essentially the standards require the following: 1) Department notified that a lab existed by law enforcement or property owner, 2) Department inspects the site and makes a determination if property closure is required or if property owner just needs to be educated about potential hazards, 3) If property closed, then it must be cleaned by the owner or a contractor (department has a list of contractors), 4) Department verifies the clean up and can then allow occupancy.

Problems with the standard were identified:

1. There is no requirement that an owner disclose during a sale that a meth lab operated on the property. The Realtor's Association is apparently working on voluntary disclosure.
2. The Health Department does not certify contractors so there is no clean up standard required. The Department merely identifies if the contractor has the appropriate licenses in place.
3. The Health Department cannot require clean up of property, although they can prevent contaminated properties from being occupied.
4. There are no funds available for staff/contractor training or to assist with decontamination of sites. In most cases, DEA and other federal agencies assist with the meth lab clean up, but not with removing the residual chemicals that remain in properties.

Action: Susan will review previous drafts of Meth Lab Clean Up bills. She will work with Kevin and Marjean to draft legislation that would implement standards and regulations statewide along with training and licensing of contractors. A clean up fund would be considered later. Susan will then work with the Committee and Rep. Litvack to review the drafted bill and discuss next steps.

III. Club Drugs

A. CD Demonstration

Tracey Tabet

Tracy presented the Club Drug CD and distributed copies. The CD was created with the support of CCJJ/USAAV and has been distributed to all the Chiefs and Sheriffs. The purpose of the CD is to educate law enforcement officers on club drugs. Another version for parents was also made.

B. Summit Recommendations & Follow Up

Susan Burke

1. Revised report

Susan reported that CCJJ reached a settlement with Dale Gibbons who had sued CCJJ and USAAV for remarks that referenced him in the 2001 Club Drug Summit Report. Gibbons was acquitted of all charges. The lawsuit did not seek monetary damages and the settlement required USAAV to post clarifying language on the cover of the report and keep the report posted on the USAAV website for a minimum of 16 months. Gibbons is moving forward with his suit against Salt Lake County. USAAV's settlement of the case is not a comment on the Salt Lake County case.

2. Post-summit meeting

Action: Susan will work with Tracy to get a list of assigned agencies for the Club Drug Summit. Once that is obtained, staff will follow up with the agencies to determine their progress to date.

IV. 2003 Legislative Wrap Up

Susan Burke

- Drug offender sentencing study

Susan reviewed USAAV-related legislation. The failure of SB 31 Forfeiture Amendments was discussed. Barry reported that Utah's share of federal forfeiture is now up to \$5 million. The funds will be held as long as possible, but no deadline has been set so there is the possibility that Utah could recover those funds if the forfeiture laws are amended.

Kirk stated that a more proactive education campaign is needed and that law enforcement should be visible on this issue and work with their lawmakers. It is not too early to begin the education process.

Action: Kirk will help draft a Strategic plan with talking points on forfeiture.

V. Priority & Focus for 2003

Committee

The Committee decided to focus on the following issues for the coming year:

- 1) Meth Clean Up, 2) Forfeiture, and 3) Club Drug Follow Up

VI. UCRP Performance Measures

Committee

The Committee added performance measures b & c to Objective 2 and added performance measures for objective 3 of the Utah Crime Reduction Plan.

- Objective 2: Successfully enforce drug laws.

Performance Measures	Reporting Agency	1995	1996	1997	1998
a. Percent of population living within the boundaries of a multi-jurisdictional drug task force.	CCJJ	93%	93%	97%	97%
b. Number of Drug Task Force seizures.	CCJJ				
c. Amount of Drug Task Force seizure by weight.	CCJJ				

- Objective 3: Increase our ability to effectively decontaminate drug lab sites and address related community safety issues.

Performance Measures	Reporting Agency	1995	1996	1997	1998
a. Number of sites decontaminated by the Salt Lake Valley Health Department.	SLVHD				
b. Number of Utah counties with meth lab clean up standards.	UDOH				
c. Number of meth labs seized that require clean up.	DEA				

Next Meeting Schedule: Wednesday, April 23 1:30 pm to 3:00 pm, Room 129

Preliminary Agenda Items: Meth Lab clean up bill, Club drug agency updates